

IN RE: PETITION FOR SPECIAL HEARING  
NW/Corner Belair Road and  
Walnut Avenue  
(7010 Belair Road)  
14th Election District  
6th Councilmanic District  
Odell Hack  
Petitioner

BEFORE THE  
DEPUTY ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 88-429-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve the non-conforming use of the subject property for used car sales and offices with an accessory service garage, including outside display parking and a customer parking area, all as more particularly described in Petitioner's Exhibit 1.

The Petitioner appeared, testified and was represented by Counsel, Alfred L. Brennan, Jr., Esquire. Also appearing on behalf of the Petition were: Frank Lee, a registered professional Land Surveyor; John B. Wrightson, John H. Wrightson, and Henry W. Rudolf. There were no Protestants.

Testimony indicated that the subject property, known as 7010 Belair Road and located at the corner of Belair Road and Walnut Avenue, is zoned U.L.-C.S.2. Testimony indicated that the property is improved with a used car lot and a service garage for the vehicles sold with a small office area existing in the same building. The Petitioner testified that she married Hamilton Schmidt in 1950 and that he subsequently leased the property from her family and constructed the existing building. Ms. Hack testified that the subject property has been continuously used as a used car lot with service garage and office space since 1950. To support her testimony, she introduced advertisement fliers from 1953 and 1954 as Petitioner's Exhibits 3 and 4. Ms. Hack testified that Mr. Schmidt passed away in the fall of 1968. Thereafter, in February 1969, she leased the property to Mr. Norman E. Griffith who used the premises for the same purposes as Mr. Schmidt until he sub-leased the property to Mr. Henry Rudolph. Mr. Ru-

Odell Hack  
NW/Corner Belair Road and Walnut Avenue  
(7010 Belair Road)  
88-429-SPH

do is the current tenant of the property.

Mr. Rudolph testified that he has leased the property and continuously operated a used car lot with service garage from the premises since 1976. He indicated the service garage is used simply for repair of used cars sold from the lot.

John B. Wrightson testified that he resides nearby and has lived in the area since 1940. He testified that the subject property has been used continuously as a used car lot and service area since 1940.

Subsequent to the hearing, Counsel for the Petitioner submitted a letter indicating he had verified that the subject property was classified as "E" - Commercial Zone, pursuant to Section VII of the 1945 zoning regulations, and as such, the use of the subject property for used motor vehicle sales, offices and accessory service garage was permitted under said classification.

The Petitioner seeks relief from Section 104.1, pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.).

Based upon the testimony and evidence presented, it appears that the relief requested in the special hearing should be granted. The use described herein was in existence in 1945 and was a permitted use under the then existing zoning regulations. The uncontradicted testimony indicated that the subject property has been used continuously and without interruption for a used car lot, offices and service garage since 1950.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 18th day of May, 1988 that the Petition for Special Hearing to approve the non-conforming use of the subject property for used car sales and

offices with an accessory service garage, including outside display parking and a customer parking area, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restriction:

1) The service garage use of the subject property is limited to vehicles sold from the used car lot.

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
of Baltimore County

AMM:bjs

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 14th Date of Posting: 4/21/88  
Petitioner: Odell Hack  
Location of property: NW/Corner Belair Rd. & Walnut Ave.  
Location of Signs: Existing Belair Rd. signs for used car lot, service garage, & property of Odell Hack  
Remarks: Odell Hack  
Posted by: Odell Hack Date of return: 4/28/88  
Number of Signs: 1

Phone: 687-4922

FRANK S. LEE  
Registered Land Surveyor  
1277 NEIGHBORS AVE. - BALTIMORE, MD. 21237

December 29, 1987

No. 7010 Belair Road  
14th District Baltimore County, Maryland

Beginning for the same at the northwest corner of Belair Road and Walnut Avenue, and being known and designated as lot 35 as laid out and shown on the plat of "Overlea", said plat being recorded among the land records of Baltimore County in Plat Book 2 folio 77.

Containing 0.27 acres of land more or less.

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 47475

DATE: 4/21/88 ACCOUNT: 01-115-000

AMOUNT: \$ 100.00

RECEIVED FROM: [Signature]

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 47567

DATE: 4/21/88 ACCOUNT: 01-615-000

AMOUNT: \$ 35.00

RECEIVED FROM: [Signature]

FOR: [Signature]

VALIDATION OR SIGNATURE OF CASHIER

Office of  
PATUXENT  
Publishing Company  
10700 Little Patuxent Pkwy  
Columbia, MD 21044

THIS IS TO CERTIFY, that the annexed advertisement of  
NOTICE OF HEARING

was inserted in the following:  
☐ Catonsville Times ☐ Booster Weekly  
☐ Arbutus Times ☐ Owings Mills Flier  
☐ Reporter Weekly ☐ Towson Flier \$21.46

weekly newspapers published in Baltimore County, Maryland  
ONCE a week for 1988 successive weeks before  
the day of April 1988 that is to  
say, the same was inserted in the issues of

March 11, 1988

PATUXENT PUBLISHING COMPANY  
By [Signature]

"DUPLICATE"  
CERTIFICATE OF PUBLICATION

TOWSON, MD. 21204, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on

March 11, 1988

THE JEFFERSONIAN.

[Signature]  
Publisher

\$33.75

PETITION FOR SPECIAL HEARING  
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve a nonconforming use of used motor vehicle sales and offices, and accessory service garage, including outside display parking and customer parking.

Property is to be posted and advertised as prescribed by Zoning Regulations

I, or we, agree to pay expense of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I do solemnly declare and affirm, under the penalties of perjury, that I we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: N/A (Type or Print Name)  
Signature: [Signature]  
Address: [Address]  
City and State: [City and State]

Legal Owner(s): Odell Hack (Type or Print Name)  
Signature: [Signature]  
Address: [Address]  
City and State: [City and State]

Attorney for Petitioner: ALFRED L. BRENNAN, JR. (Type or Print Name)  
Signature: [Signature]  
Address: [Address]  
City and State: [City and State]

Attorney's Telephone No.: 687-3434

ALFRED L. BRENNAN, JR. 16 Fuller Avenue 655-5013  
Baltimore, Maryland 21206  
825 Eastern Boulevard  
Baltimore, Maryland 21221  
Attorney's Telephone No.: 687-3434

ORDERED By The Zoning Commissioner of Baltimore County, this 21st day of February, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 18th day of April, 1988, at 2:00 o'clock P.M.

J. Robert Haines  
Zoning Commissioner of Baltimore County.

ESTIMATED LENGTH OF HEARING  
AVAILABLE FOR HEARING  
MON./TUES./WED. - NEXT TWO MONTHS  
ALL OTHER DATE 4/20  
REVIEWED BY: [Signature]

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3333

March 9, 1988

Alfred L. Brennan, Jr., Esq.  
825 Eastern Boulevard  
Baltimore, Maryland 21221

Re: Petition for Special Hearing  
Case numbers 88-429-SPH  
Petitioner(s): Odell Hack

Dear Mr. Brennan:

Confirming our telephone conversation of March 8, 1988, hearing of the above matter will take place on Tuesday, April 19, 1988 as originally scheduled, however, the time of hearing is now set for 1:00 p.m.

Said change is pursuant to your request, due to a conflict in your calendar.

Very truly yours,

[Signature]  
G. C. Stephens  
Deputy Clerk  
(301) 496-3391

cc: Mr. Odell Hack  
Ms. Susan DiPasquale  
File

Let's Check Your  
LIGHTS-STEERING  
BRAKES-TIRES  
CHECK YOUR CAR. CHECK ACCIDENTS!

8 OUT OF 10  
CARS NEED BODY & FENDER REPAIRS

VISIT OUR  
COMPLETE  
BODY & FENDER REPAIR SHOP

ESTIMATES CHEERFULLY GIVEN

ALL WORK  
GUARANTEED

MOTOR  
TUNE-UP  
5.95  
MOST CARS  
MATERIALS  
EXTRA

INCLUDES: Clean & adjust - air  
cleaner, points & plugs, adjust timing,  
check oil level & pressure, check  
fuel line, check belt, radiator, heat  
exchanger, vacuum control & suspension  
have technician.

REPACK  
WHEEL BEARINGS  
FOR ALL CARS  
\$1.00

Get  
DOOF  
Trouble?  
Get  
DIF  
Happy!

It's National DENTS-OUT-  
OF-FENDERS Month!

We use genuine SCOTCH  
and  
Automotive Refinishing Products

"A name you can always depend on!"  
SCHMIDT MOTOR CO.  
H. A. Schmidt, Owner  
7010 BELAIR ROAD, BALTIMORE 6, MD. \* Phone Boulevard 2588



Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Townson, Maryland 21204  
494-3353

J. Robert Haines  
Zoning Commissioner  
Mr. Odell Hack  
18 Fuller Avenue  
Baltimore, Maryland 21208

Date: \_\_\_\_\_



Dennis F. Rasmussen  
County Executive

RE: Petition for Special Hearing  
Case numbers 88-428-SPH  
NW/Cor. Belair Road and Walnut Avenue  
(7010 Belair Road)  
14th Election District - 8th Councilmanic District  
HEARING SCHEDULED: TUESDAY, APRIL 18, 1988 at 9:30 a.m. / j.m.

Dear Mr. Haines:

Please be advised that \_\_\_\_\_ is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office 15 minutes before

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
No. 50514  
DATE 4/19/88 ACCOUNT R-01-615-000  
ck # 2857 AMOUNT \$ 70.21  
RECEIVED FROM Odell Hack  
FOR 4/18/88 Haines  
B 021\*\*\*\*\*88-428-SPH  
VALIDATION OR SIGNATURE OF CARRIER

and post set(s), there for each set not

YES

YES

YES

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Townson, Maryland 21204  
494-3353

J. Robert Haines  
Zoning Commissioner

MAR 02 1988



Dennis F. Rasmussen  
County Executive

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Hearing  
Case numbers 88-428-SPH  
NW/Cor. Belair Road and Walnut Avenue  
(7010 Belair Road)  
14th Election District - 8th Councilmanic District  
Petitioner(s): Odell Hack  
HEARING SCHEDULED: TUESDAY, APRIL 18, 1988 at 9:30 a.m.

Special Hearing: A nonconforming use of used motor vehicle sales and offices, and accessory service garage including outside display parking and customer parking.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines

J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County  
res Mr. Odell Hack  
Alfred L. Brennan, Jr., Esq.  
Re: Susan DiPasquale  
File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines  
TO: Zoning Commissioner  
P. David Fields  
FROM: Director of Planning and Zoning

SUBJECT: Zoning Petition Nos. 88-428-SPH, 88-424-SPH

In view of the subject of this petition, this office offers no comment.

P. David Fields per J. Haines  
P. David Fields  
Director

PDF:JGH:dme

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel  
File

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 13, 1988

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

000

MEMBERS  
Bureau of Engineering  
Department of Traffic Engineering  
State Roads Commission  
Bureau of Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial Development

Mr. Alfred L. Brennan, Jr.  
Attorney at Law  
825 Eastern Boulevard  
Baltimore, Maryland 21221

Item No. 264 - Case No. 88-429-SPH  
Petitioner: Odell Hack  
Petition for Special Hearing

Dear Mr. Brennan:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:cer

Enclosures



Maryland Department of Transportation  
State Highway Administration

Richard M. Trainor  
Secretary  
Hal Kassoff  
Administrator

February 9, 1988

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204  
ATT: James Dyer

Re: Baltimore County  
R.C. Auto Sales  
ZAC meeting 2/2/88  
N/W corner Belair Road  
U. S. Route 1-N  
at Walnut Avenue  
Item #264

Dear Mr. Haines:

After reviewing the submittal of December 29, 1987 for a Special Hearing to permit a non-conforming use of a Used Motor Vehicle Sales and Office, the State Highway Administration-Bureau of Engineering Access Permits has the following comments.

State Highway Administration Type "A" concrete curb to be used as barrier curb, must be constructed on or behind the right-of-way line on Belair Road to protect pedestrian traffic on the existing sidewalk from vehicles on this site.

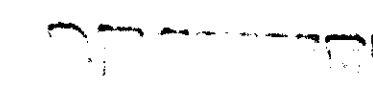
It is requested this revision be made prior to a hearing date being set. If you have any questions, please call Larry Brocato of this office.

Very truly yours,

Gregory J. Mills, Jr.  
Gregory J. Mills, Jr.  
Acting Chief-Bureau of Engineering Access Permits

LB/es

cc: J. Ogle  
Frank S. Lee



APR 14 1988

ZONING OFFICE

My telephone number is (301) 333-1350

For information on impaired hearing or speech  
383-7555 Baltimore Metro - 482-0410 D.C. Metro - 1-800-482-5082 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717

BRENNAN AND BRENNAN  
ATTORNEYS AT LAW, P.A.  
815 EASTERN BOULEVARD  
ESSEX, BALTIMORE, MD. 21221

TELEPHONE  
(301) 687-3434

April 28, 1988

Ann Nastarowicz, Esquire  
Baltimore County Zoning Board  
Office of Planning & Zoning  
Towson, Maryland 21204

Re: Petition for Special Hearing  
Case No. 88-764

Dear Ms. Nastarowicz:

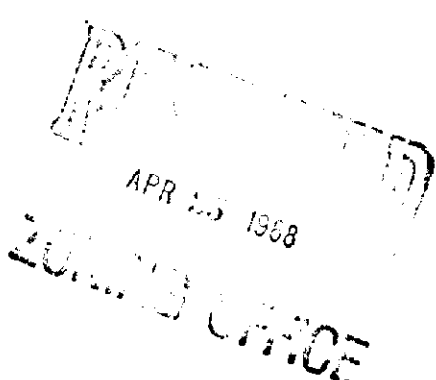
I have checked the zoning map for 1945 through 1958 and found that the zoning classification for the property, which is the subject of the above case, was classified as E-Commercial Zone-BL. I checked the 1945 zoning regulations and a used motor vehicle sales and offices and accessories service garage was a permitted use under that zoning classification.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

Alfred L. Brennan, Jr.  
ALFRED L. BRENNAN, JR.

ALB,JR/bg



APR 13 1988  
ZONING OFFICE

CPS-008

Baltimore County  
Fire Department  
Towson, Maryland 21204 286  
494-4500

Paul H. Reincke  
Chief

January 28, 1988

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

Re: Property Owner: Odell Hack

Location: NW/Cor. Belair Rd. and Walnut Avenue

Item No.: 264

Zoning Agenda: Meeting of 2/2/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at \_\_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.
- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- ( ) 6. Site plans are approved, as drawn.
- ( ) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: [Signature] Noted and  
Planning Division Approved: [Signature]  
Special Inspection Division Fire Prevention Bureau

7/1

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
Courts Building, Suite 406  
Towson, Maryland 21204  
494-3334

February 18, 1988

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Dear Mr. Haines:

Item No. 264 - ZAC - Meeting of February 2, 1988  
Property Owner: Odell Hack  
Location: NW/Cor. Belair Rd. and Walnut Ave.  
Existing Zoning: RU-C52  
Proposed Zoning: Special Hearing to permit a non-conforming use of Used Motor Vehicle Sales and Office and accessory service garage including outside display parking and customer parking.  
Acreage: 0.27 acre (+ or -)  
District: 14th Election District

This site should provide an entrance that meets all county standards and curb, gutter and sidewalk should be provided along Walnut Avenue.

Very truly yours,

Michael S. Flanagan  
Michael S. Flanagan  
Traffic Engineer Associate II

NSF/jml-b



# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

TO: James Dyer  
Zoning Supervisor  
Date: January 25, 1988

FROM: James Thompson  
Zoning Enforcement Coordinator  
Item No. 264 (if known)  
SUBJECT: Petitioner: Odell Hack (if known)

VIOLATION CASE # C-88-768  
LOCATION OF VIOLATION 7010 Belair Road  
DEFENDANT Odell Hack ADDRESS 15 Fuller Avenue  
Baltimore, MD 21206

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME ADDRESS  
Susan DiPasquale 4014 Walnut Avenue  
Baltimore, MD 21206

88-429-SPT

## BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this 1st day of February, 1988.

*J. Robert Haines*  
J. ROBERT HAINES  
ZONING COMMISSIONER

Petitioner Odell Hack  
Petitioner's Attorney Alfred L. Brennan, Jr.  
Received by: James E. Dyer  
Chairman, Zoning Plans  
Advisory Committee

## Norm Griffith Auto Sales

PHONE: 661-1221  
7010 BELAIR ROAD  
BALTIMORE, MARYLAND 21206

January 8, 1974

Dear Mrs. Schmidt:

By five year lease at 7010 Belair Road is about to come to a close. I would like to use the option to renew my lease for the next five years.

Sincerely,

*James E. Dyer*  
Approved before me this 9th Day of January 1974  
Thomas J. Dyer, Notary of Baltimore Co. Md.  
Com. exp. 7-1-74

## This Lease, Made this

day of 19 between  
ODELL SCHMIDT hereinafter called the Landlord,  
and 19 Walnut Avenue, Baltimore, Maryland 21206 (Address):  
and NORMAN E. GRIFFITH hereinafter called the Tenant,  
51 Sipple Avenue, Baltimore, Maryland 21235 (Address).

## Witnesseth:

That the said Landlord, for and in consideration of the payment of the rentals, and performance of the covenants and agreements hereinafter mentioned, demises and leases unto the said Tenant, and the latter does let from the former, the following described premises: BEING at the southwest corner of Belair Road and Walnut Avenue known as Lot #377 on the plat of Overseas, recorded among the land records of Baltimore County in plat book Liber J.W.S. 2, folio 177, (having been heretofore incorrectly referred to as Lot #357, plat book Liber J.W.S. 2, folio 196). Being known as 7010 to 7020 Belair Road.

BEING the same lot of ground which by deed dated September 23, 1946, and recorded in the land records of Baltimore County in Liber R.J.S. 1479, Folio 533, was granted and conveyed by Robert A. Ruff, Jr., unto the grantors herein.

TOGETHER with the buildings and improvements thereon, and all rights, alleys, ways, waters, privileges, appurtenances and advantages thereunto belonging or in otherwise appertaining.

to be used by the Tenant as Automobile Used Car Lot

and for no other purposes, for the term of Five (5) years

Beginning on the First day of February, 1969,  
and ending on the Thirty-First day of January, 1974,  
at the rental of Four Thousand Two Hundred Dollars (\$4,200.00)  
per annum, payable in equal monthly instalments of Three Hundred Fifty Dollars (\$350.00)  
in advance, on the First day of each month, in each year during the term of this lease.

which the full amount of rent reserved as aforesaid shall be payable as hereinbefore set forth, and if said premises are injured or damaged by any of the aforesaid causes to such an extent as to render the same wholly untenable, then this lease, upon cessation of possession to the Landlord, shall thereupon cease, and all liability of the Tenant shall terminate upon payment of all rent due and payable to the date of such surrender.

NINTH: In the event of the violation of any of the covenants, terms or conditions of this lease by the Tenant, which violation shall remain uncured for a period of fifteen days after notice thereof in writing, the Landlord may, at his option, cancel and annul this lease, in which event he shall be entitled to the benefit, without further notice (all statutory notice requirements being hereby expressly waived), of all the provisions of law for the speedy recovery of lands and tenements as against a tenant holding over, now in force or which may hereafter be enacted, or he may relet the said premises as the agent for the Tenant for any unexpired balance of the term and collect the rent therefor. And in any event, he may distrain, by any legal means, for any instalment of rent or rental payment hereinabove provided for, and may enter the property by force if necessary without liability (which liability is hereby expressly waived). In the event of reletting by the Landlord, as the agent of the Tenant, the reletting shall be on such terms, conditions and rentals as the Landlord may deem proper, and the proceeds that may be collected from the same, less the expense of reletting including broker's commissions, shall be applied against the rental to be paid by the Tenant, and the Tenant shall be liable for any balance that may be due under this lease, and such reletting shall not operate as a termination of this lease or as a waiver or postponement of any right of the Landlord against the Tenant.

It is further agreed that any waiver of any covenant or condition of this lease shall extend to the particular case only, and only in the manner specified, and shall not be construed as applying to or in any way waiving any further or other rights hereunder. The exercise of any of the options aforesaid shall not be construed as a waiver of the Landlord's right to recover actual damages for any breach in an action at law, or to restrain any breach or threatened breach in equity or otherwise.

TENTH: The Landlord reserves the right to inspect the premises at all reasonable times and to place upon the same for and during the period of sixty days prior to the termination of this lease, sale or rent notices or signs in such part thereof as the Landlord may designate, continuously during the entire sixty-day period aforesaid.

ELEVENTH: Tenant shall and will save and keep harmless and indemnify the Landlord from and against any and all claims for damages whatsoever, of any kind or nature, including personal injuries, arising in any manner or under any circumstances through the exercise by the Tenant of any right granted or conferred hereby, whether such damage, including personal injury, be sustained by the Tenant or its officers, agents, employees or invitees or by other persons or corporations which seek to hold the Landlord liable, and to provide and keep in force throughout the term of this lease in a company for companies licensed to do business in the State of Maryland, satisfactory to Landlord, public liability insurance coverage with limits of not less than \$100,000 for injury or death of one person, \$500,000 for injury or death of more than one person and \$50,000 for property damage. Said insurance policy or policies shall name Landlord and Tenant as insureds or their interests may appear. A certificate of such policy or policies shall be furnished Landlord.

TWELFTH: It is mutually agreed that any notice required or permitted by this lease, to be given by either party to the other, may be either personally delivered or sent by registered mail, properly addressed and prepaid, to the addresses of the parties herein given, unless another address shall have been substituted for such address by notice in writing, the date of so depositing (which may be evidenced by the postmark) or date of personal delivery, being taken as the date of the giving of such notice.

THIRTEENTH: It is understood that the use of the singular herein shall include the plural and vice versa, and that the use of the masculine personal pronoun shall include all genders, and that the covenants herein shall be binding upon, and the rights hereunder shall inure to the benefit of, the parties, their personal representatives, successors and assigns.

FOURTEENTH: It is understood and agreed that W. C. Pinkard & Co., Realtors, is to receive from the Landlord, its successors and assigns, commissions at the standard rates as promulgated by the Real Estate Board of Baltimore on this lease, and the exercise of any option contained herein.

FIFTEENTH: Tenant agrees to keep all buildings on the said demised premises, or appurtenant thereto fully insured against loss or damage by reason of the hazards, casualties and contingencies covered by policies of fire insurance for the full replacement value with extended coverage with loss payable to Landlord and Tenant. Any insurance monies recovered shall constitute a trust fund for the purpose of repair and reconstruction of the damaged or loss. It shall be the duty of the Landlord to immediately rebuild or repair the said buildings and improvements and to put them in the condition in which they were immediately prior to such damage or destruction.

SIXTEENTH: At the expiration of the original term of this lease Tenant, after prior written notice of no less than 90 days, shall have the right to renew this lease for an additional term of 5 years subject to the same terms and conditions except as contained in this paragraph. If Tenant elects to renew this lease as provided above,

CONTINUED ON THE REVERSE SIDE

This First Preference made this 28th day of July 1976 between  
Odell Schmidt, hereinafter called the Landlord, and Henry W. Rudolf, herein-  
after called the Tenant.

Whereas the Landlord and Tenant have agreed to an assignment of a lease for the premises of 7010 to 7020 Belair Road in Baltimore County, Maryland for the unexpired term commencing the First day of February 1974, terminating the Thirty-first day of January 1979.

Whereas by the assignment herein before referred to, said Henry W. Rudolf took possession of said property July 14, 1976 and that pursuant to said lease the balance of said term expires January 31, 1979.

Now therefore witness that for and in consideration of Five Dollars (\$5.00) passing from the Tenant to the Landlord, the receipt of which is hereby acknowledged, the parties agree to as follows:

1. That said Landlord hereby grants the right to said Tenant of first refusal to renegotiate a new lease for said premises at a rental to be agreed upon at said negotiations.
2. That for the Tenant to exercise the right to renegotiate a new lease for said premises said Tenant must so notify the said Landlord within ninety (90) days before the expiration of present term which ends January 31, 1979.

The parties hereto acknowledge the terms hereof by placing their hands and seals on the date first mentioned above.

Witness *Odell Schmidt* (SEAL)  
Witness *Henry W. Rudolf* (SEAL)  
Date: *July 14, 1976*

## Your friend "Ham" Schmidt says:

This is our Final Sale in '84.  
I picked each one myself--  
to give you the best values  
--at the lowest prices!

POSTAL PATRON,  
LOCAL

## USED CARS AND TRUCKS

BUY YOUR WAY-OUT OUR WAY!  
BIG SAVINGS ON OUR LOW EASY FINANCE RATES! WILL TRADE!

1981 Plymouth 4 Door \$ 55 1980 Ford Taurus \$105 1980 Hudson Town Sedan \$ 40	1983 PLYMOUTH 2 DOOR One Owner Like New, Throughout Ask For No. 5 Was \$1295 Now \$993	1986 CHEVROLET CONVERTIBLE Radio and Stereo Clean Car Ask For No. 6 Was \$495 Now \$323	1981 PLYMOUTH 4 DOOR CRAMERCO Clean Throughout Ask For No. 8 Was \$495 Now \$733
1988 CHEVROLET 3 DOOR Sport Ask For No. 10 Was \$1295 Now \$993	<b>SUPER SPECIAL</b> <b>1981 CHEVROLET 4 DOOR</b> Equipped A Real Family Car Ask For No. 16 Was \$995 Now \$533		
1981 FORD 4 DOOR One Owner Clean Car Ask For No. 18 Was \$795 Now \$493	1986 BUICK SEDANETTE Very Clean Fully Serviced Ask For No. 20 Was \$495 Now \$633	1982 CHEVROLET 2 DOOR One Owner Sport Ask For No. 24 Was \$1095 Now \$853	1981 CHEVROLET SEDAN POWER GLASS Radio and Stereo Clean Car Ask For No. 28 Was \$1095 Now \$833
1980 Plymouth 4 Door \$105 1980 Hudson 4 Door \$105 1980 Chevrolet 4 Door \$105	1983 CHEVROLET 4 DOOR 318 DELUXE Equipped One Owner Ask For No. 3 Was \$1495 Now \$1243	1981 CHEVROLET 1 TON PANEL Clean Throughout Ask For No. 42 Was \$495 Now \$593	1988 BUICK 4 TON PANEL Clean Throughout Ask For No. 52 Was \$495 Now \$433

\* THIS IS JUST A PART OF OUR STOCK - WE HAVE PLENTY MORE!

\* FREE BODY and FENDER APPRAISALS \* MECHANICS ALWAYS ON DUTY!

## SCHMIDT MOTOR CO.

H. A. Schmidt, Owner  
7010 BELAIR ROAD, BALTIMORE 6, MD. • Phone Boulevard 2388

PETITIONER(S) EXHIBIT (2)

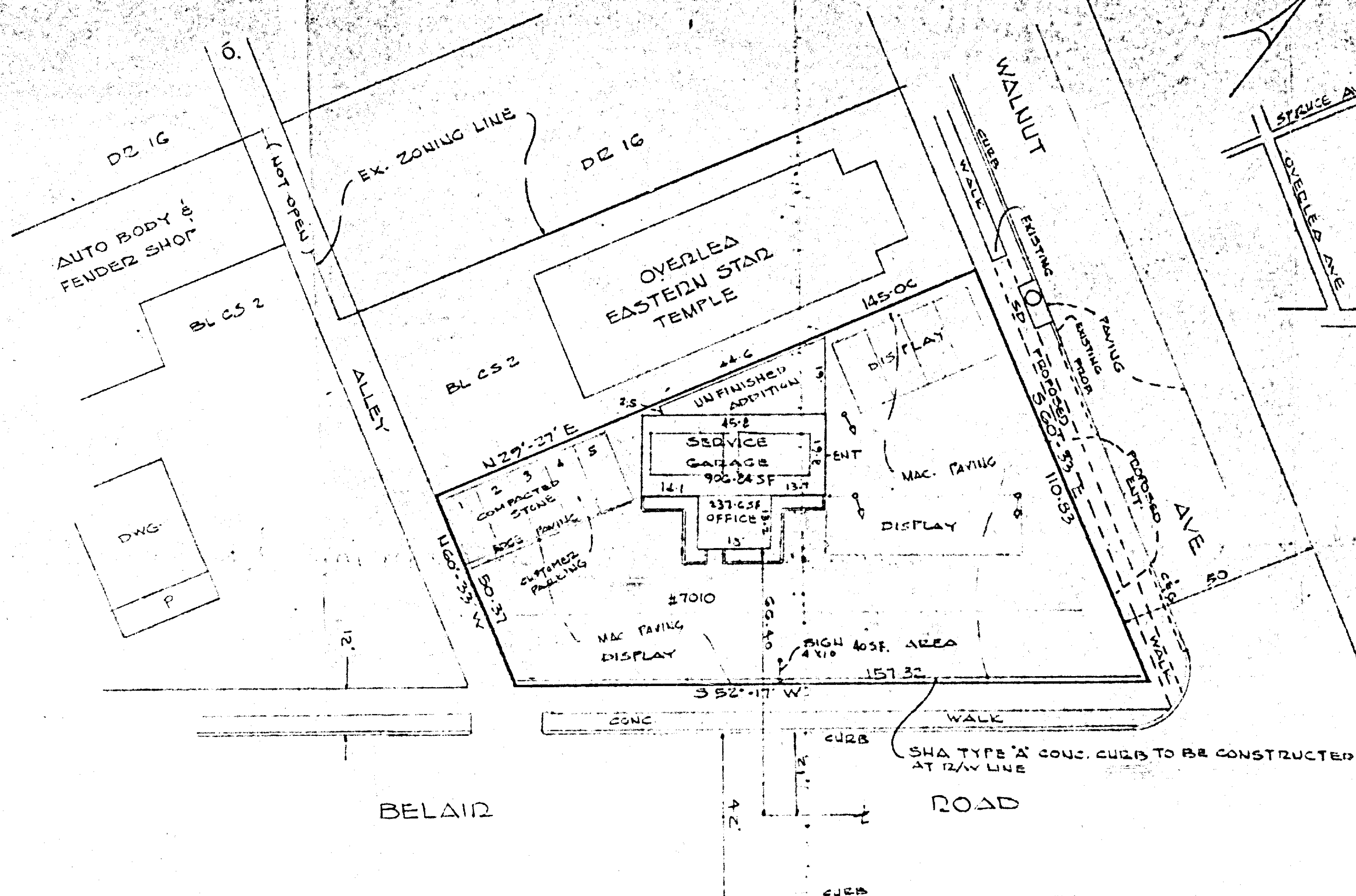
Henry W. Rudolf  
2301 Foxley Road  
Timonium, MD. 21093

Re: Monthly rent for used car lot and building  
7010 - 7020 Belair Road

As per your request for a fixed monthly rent after the expiration of the present lease, I wish to advise that said rent will be \$500.00 per month, plus expenses that are now stated in the present lease.

*July 28/76 Henry W. Rudolf*  
*July 28/76 Odell Schmidt*





LOCATION MAP  
SCALE 1"=200'

OWNED BY  
FLORENCE O. HACK  
16 FULLER AVE.  
BALTO., MARYLAND 21206

EXISTING USE - USED CAR LOT - SERVICE GARAGE  
EXISTING ZONING - BL CS 2  
AREA OF LOT - 0-27 A +  
AREA OF BUILDING - 1134-0 SQ. FT. +  
AREA OF ADDITION - 365-34 SQ. FT. + (27% OF EX. BLDG.)  
TOTAL 1509 SQ. FT. +

PLAT TO ACCOMPANY PETITION FOR A NON CONFORMING USE OF  
USED MOTOR VEHICLE SALES AND OFFICES AND ACCESSORY  
SERVICE GARAGE, INCLUDING OUTSIDE DISPLAY AND CUSTOMER  
PARKING

SPH # 264

RC AUTO SALES

LOT 357 PLAT OF  
OVERLEA

PLAT BOOK 2-77

14TH DISTRICT BALTIMORE CO., MARYLAND

Scale 1"=20

DATE 12-29-87 2-15-88  
1-25-88 3-13-88

NO. OF SPACES PER LOT (1/3400 - 906-84 SERVICE GARAGE) : 4 SPACES  
(1/2000 - 237-65 OFFICE) : 2 SPACES  
TOTAL : 6 SPACES  
NO. OF SPACES PER LOT : 5 OUTSIDE, 2 INSIDE  
TOTAL : 7 SPACES



FRANK S. LEE  
1017 WILSON AVE.  
BALTO., MD. 21207